

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES and STATE OF TEXAS
ex rel. DANIEL W. ELLIOTT, M.D. and
LISA A. MINSLOFF, M.D.,

Plaintiffs,

v.

SOUTHEAST TEXAS MEDICAL
ASSOCIATES, LLP; STEWARD HEALTH
CARE SYSTEM; ONPOINT LAB, L.L.C.;
BAPTIST HOSPITALS OF SOUTHEAST
TEXAS; MUHAMMAD AZIZ, M.D.;
JAMES HOLLY, M.D.; MARY CASTRO,
M.D.; VIJAY KUMAR, M.D.; MICHAEL
THOMAS, M.D.; SYED ANWAR, M.D.;
CAESAR DEIPARINE, M.D.; RONALD
PALANG, M.D.; ABSAR QURESHI, M.D.;
DEAN HALBERT, M.D.; and WILLIAM
GEORGE, M.D.,

Defendants.

CIVIL ACTION NO. 1:23-CV-00329
JUDGE MICHAEL J. TRUNCALE

**DEFENDANTS' NOTICE OF WITHDRAWAL OF MOTIONS TO DISMISS WITHOUT
PREJUDICE TO REFILE**

Defendants Southeast Texas Medical Associates, LLP (“SETMA”); Steward Health Care System LLC (“Steward”); OnPoint Lab, L.L.C. (“OnPoint”); Baptist Hospitals of Southeast Texas (“Baptist Hospital”); Muhammad Aziz, M.D.; James Holly, M.D.; Mary Castro, M.D.; Vijay Kumar, M.D.; Michael Thomas, M.D.; Syed Anwar, M.D.; Caesar Deiparine, M.D.; Ronald Palang, M.D.; Absar Qureshi, M.D.; and Dean Halbert, M.D. (collectively, the “Defendants”)

through the undersigned counsel, hereby file their *Notice of Withdrawal of Motions to Dismiss Without Prejudice to Refile*, and would respectfully show the Court as follows:

1. On March 11, 2024, the Court ordered the parties to file a joint status report addressing the status of this case by 5:00 p.m. on March 12, 2024. (Dkt. No. 129).

2. On March 12, 2024, the parties submitted their joint status report, which addressed various issues, including settlement discussions between Relators, on the one hand, and SETMA, Dr. Muhammad Aziz, Dr. Vijay Kumar, Dr. Mary Castro, Dr. Michael Thomas, Dr. Syed Anwar, Dr. Ronald Palang, Dr. Absar Qureshi, Dr. Dean Halbert, and Dr. Caesar Deiparine (collectively, the “SETMA Defendants”) and OnPoint Lab, L.L.C., on the other hand, as well as discovery issues involving the stay of discovery previously issued by the Court. (Dkt. No. 130).

3. Also on March 12, 2024, the Court issued an Order Setting Telephonic Status Conference to be scheduled for 2:00 p.m. on March 14, 2024. (Dkt. No. 131).

4. During the March 14, 2024 Telephonic Status Conference, the parties discussed with the Court the settlement efforts between Relators, on the one hand, and the SETMA Defendants and OnPoint Lab, L.L.C., on the other hand. These discussions included the fact that neither the United States nor the State of Texas have yet approved the potential settlement terms discussed by Relators, the SETMA Defendants, and OnPoint Lab, L.L.C. The parties and the Court also discussed all Defendants’ pending motions to dismiss, which Defendants filed on June 26, 2023 (Dkt. Nos. 56, 58, 61-63), and the stay of discovery previously ordered by the Court. At the conclusion of the Telephonic Status Conference, at the Court’s direction, Defendants each agreed to withdraw their pending motions to dismiss without prejudice to refile the same until a later date, to be determined, whereupon the scope of the case may be narrowed as a result of any settlement finalized by Relators, the SETMA Defendants, and OnPoint Lab, L.L.C.

5. In agreeing to withdraw their motions to dismiss, Defendants understand that any obligation to answer or otherwise respond to Relators' Complaint is stayed pending re-filing of Defendants' motions to dismiss.

6. Based on this mutual understanding and in furtherance of the Defendants' desire to promote efficiency and conserve judicial resources, the Defendants give notice of the withdrawal of their Motions to Dismiss (Dkt. Nos. 56, 58, 61-63). The Defendants' withdrawal of their Motions to Dismiss is premised on the Court's assurances at the Telephonic Status Conference that the Defendants shall have the unreserved right to refile their Motions to Dismiss, as they deem necessary, should the need arise at a future date.¹

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¹ The Defendants understand that any refile of their Motions to Dismiss will encompass all related filings, which include Relators' responses to the Defendants' Motions to Dismiss (Dkt. No. 88, 89, 91, 92, 93) and the Defendants' replies in support of their Motions to Dismiss (Dkt. No. 96-99, 105).

Dated: March 21, 2024

Respectfully Submitted,

/s/ Dennis L. Roossien, Jr.

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/s/ J. Thad Heartfield

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all parties that have appeared through the Court's electronic filing system on March 21, 2024.

/s/ David W. Klaudt
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